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SOVIET REFUGEES

Processing and Admittance to the United States

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The Honorable Joseph R. Biden, Jr.
Chairman, Committee on the Judiciary
United States Senate

The Honorable Jack Brooks
Chairman, Committee on the Judiciary
House of Representatives

The Foreign Operations Appropriations Act for fiscal year 1990, Public Law 101-167, directs GAO to report on the implementation of section 599D, pertaining to the processing and admittance of Soviet refugee applicants to the United States during fiscal year 1990. Section 599D, referred to as the Lautenberg Amendment, requires the Executive branch to establish refugee processing categories for Jews, Evangelical Christians, Ukrainian Catholics and Ukrainian Orthodox Church members and gives members of these categories[1] an enhanced opportunity to qualify for refugee status when being interviewed.

We evaluated the Department of State and Immigration and Naturalization Service (INS) efforts to implement the requirements of the Lautenberg Amendment. More specifically, we determined (1) the adequacy and timeliness of the adjudication process, (2) the adequacy of staffing for processing refugee applicants, and (3) whether Soviet refugee processing in Rome was being effectively phased out. To the extent that information was available, we also compared the cost of conducting refugee processing in both Moscow and Rome.

Results in Brief

INS and the Department of State are implementing the Lautenberg Amendment. We believe INS' implementing guidance responds to the amendment and potentially provides enhanced consideration of category cases for refugee status. However, because the amendment does not affect the interview scheduling priorities,[2] all category members

[1]The term "category" has a special meaning within the context of the Refugee Act of 1980. It means that such groups are of special humanitarian interest to the United States because of a history of mistreatment or persecution in their home countries, and therefore warrant special consideration for refugee status.

[2]Refugee applicants are classified within six refugee processing priorities according to whether they have close family or other ties to the United States. This is done to ensure orderly management of refugee admissions and that the refugees of most concern to the United States have admission priority.

may not be scheduled for interview. Because INS did not implement its guidance until February 1, 1990, it is too early to assess the overall impact of the Lautenberg Amendment on fiscal year 1990 Soviet refugee adjudications.

Moscow processing was on track for meeting its fiscal year 1990 interviewing goals as of mid-March. Whether the operation in Moscow can sustain existing or meet the higher processing goals in future years depends upon adequate staffing resources, expanded office space, and the Soviet Union's enactment of liberalized emigration legislation.

INS officers were not always sufficiently documenting their reasons for denying refugee claims. Adequate documentation is important because when denied claims must be reviewed by other INS officials, the claims are sustained or reversed on the basis of the documentation. Without adequate documentation in the files, INS reviewers are unable to determine whether the officers' denial decisions were appropriate. INS officials said that INS would re-emphasize to its interviewing officers the importance of documenting their adjudication rationale. INS also said it is now requiring supervisory review of category cases to ensure the adjudication decision was justified. Similar statements were made in the past when we alerted INS to documentation problems, but the problem remained uncorrected overseas.

Phasing out Soviet refugee processing in Rome is proceeding more quickly than anticipated with most Soviet refugees expected to depart by June 1990. Refugee departures have been delayed pending INS' receipt of sponsorship assurances from voluntary agencies in the United States.

Processing Soviets for refugee status in Moscow, instead of Rome, enables U.S. officials to better manage the refugee flow into the United States and reduce refugee processing costs. At least initially, the flow has been better managed because Moscow processing enables U.S. officials to establish Soviet refugee admissions ceilings based on U.S. foreign policy objectives and budgetary consideration, rather than on the number of individuals the Soviet government allows to emigrate. It also allows the U.S. government to give priority to adjudicating Soviet applicants with close family and other ties to the United States, instead of adjudicating according to the refugee application date.

Although a precise comparison of refugee processing costs between Moscow and Rome is difficult to make, our estimate of the cost to process

Soviet refugees shows that processing a refugee in Moscow could be less than one-half the cost of processing a refugee in Rome.

Background

For more than a decade, most Soviets seeking U.S. refugee resettlement were processed by INS in Rome, Italy. They traveled to Rome either through Moscow or through Vienna. Soviets with permission to emigrate directly to the United States, mostly Armenians, registered with the U.S. Embassy in Moscow, and then traveled to Rome for INS processing. Soviets exiting the Soviet Union with Israeli entry visas, mostly Jews, traveled initially to Vienna, Austria, and then to Rome for INS processing.

During most of this period, the number of Soviet refugee applicants was relatively small. However, as a result of political changes within the Soviet Union, the number of Soviets recently applying for refugee resettlement in the United States has rapidly increased. For example, in fiscal year 1987, fewer than 4,000 Soviets applied for refugee admission, but by fiscal years 1988 and 1989 the numbers had increased to over 20,000 and almost 100,000, respectively. State Department officials estimate that preliminary questionnaires representing about 800,000 Soviets will be received during fiscal year 1990.

In response to the outflow of Soviet citizens in 1988, the administration began to make major policy adjustments to its Soviet refugee program. One of the first adjustments occurred in August 1988, when INS began to adjudicate refugee claims at the U.S. Embassy in Moscow. This adjustment eliminated the need for Soviets with permission to emigrate directly to the United States to travel to Rome for refugee processing.

A second major adjustment also occurred in August 1988, when the U.S. Attorney General issued a policy requiring INS to adjudicate Soviet refugee applicants on a case-by-case basis, in accordance with the INS worldwide adjudication standard. Until that time, the United States granted nearly automatic refugee status to almost all Soviet citizens wishing to emigrate.

The new policy ended this practice by requiring Soviet refugee applicants—like all other refugee applicants—to establish individually that they suffered persecution or had a well-founded fear of persecution to qualify for refugee status. This change was necessary, according to U.S. officials, to bring the Soviet refugee program into compliance with the Refugee Act of 1980, as well as to ensure that the limited refugee admissions available for Soviets were used by bona fide refugees.

In anticipation that some Soviet citizens would be denied refugee status under the new adjudication practice, the Attorney General extended an offer of public interest parole to all Soviets found ineligible for refugee status. Parole status entitles a Soviet to enter the United States but does not provide U.S. government financial aid or the right to apply for permanent resident status as does refugee status.

Under this standard, INS began to deny Soviets refugee status. During fiscal year 1989, INS denied refugee status to about 11,500 Soviets in Moscow and about 5,300 Soviets in Rome. Because some denied Soviets were from ethnic or religious groups that had historically experienced discrimination or persecution within the Soviet Union, concerns were raised by congressional members and others about how consistently the worldwide standards were being applied. Also, U.S. officials were concerned about the political implications of Soviets remaining indefinitely in Italy. Few Soviets denied refugee status in Rome were accepting parole status and most did not wish to emigrate to Israel.

A third major change occurred about a year later. In September 1989, the administration announced that Rome processing for Soviet refugee applicants would be phased out. Under the phase-out provisions, only Soviets with Soviet exit permission to Israel dated before October 1, 1989, and an Israeli entry visa dated before November 6, 1989, would be processed in Rome. All other Soviets interested in U.S. refugee resettlement would have to be scheduled for INS interviews in Moscow. At the same time, the Attorney General directed INS to begin adjudicating Soviet refugee applicants in Rome according to a new, more generous adjudication standard and to review all previously denied cases in light of the new standard.

State and INS officials cited several reasons for the decision to consolidate Soviet refugee processing in Moscow, including (1) a recognition that the United States could not resettle all Soviets wishing to emigrate from the Soviet Union, (2) the need to better manage the program by being able to establish Soviet refugee admissions ceilings and give priority to Soviets with ties to the United States, (3) the high cost of the Rome processing, (4) concern about the hardship facing Soviets denied refugee status in Rome, and (5) fairness and consistency concerns resulting from two processing locations.

A fourth major change was the enactment of the Lautenberg Amendment in November 1989, requiring the Executive branch to establish

four refugee processing categories for Soviet applicants processed during fiscal year 1990.

Implementation of Lautenberg Amendment

The administration began implementing the Lautenberg Amendment on February 1, 1990, in accordance with INS implementing guidance, dated January 24, 1990. The new guidance establishes four refugee processing categories for Jews, Evangelical Christians, Ukrainian Catholics, and members of the Ukrainian Orthodox Church; requires case-by-case adjudications; and lowers the approval threshold for category members to make it easier for them to qualify as refugees. As the legislation intended, INS is applying the guidance retroactively to all category applicants denied refugee status since August 1988. However, because INS did not implement its guidance until February 1, 1990, it is too early to assess the overall impact of the Lautenberg Amendment on fiscal year 1990 Soviet refugee adjudications.

Fiscal year 1990 is a transition year for Soviet refugee processing, with applicants being processed in both Moscow and Rome. About 45,000 of the 50,000 Soviet refugee admissions authorized in fiscal year 1990 are being processed in Rome (about 31,000 had departed for the United States by March 15, 1990) and the remaining refugee admissions are being processed in Moscow. During fiscal year 1990, before INS implemented the Lautenberg Amendment, almost 78 percent of the category applicants interviewed in Moscow were approved for refugee status. In Rome, during the same period, 99 percent of the applicants interviewed (mostly Jews) were approved for refugee status. INS reported that during February 1990, officers approved refugee status for 90 percent and 99 percent of the category members adjudicated in Moscow and Rome, respectively.

INS expects to complete interviewing fiscal year 1989 Moscow refugee applicants by December 1990. For fiscal year 1990 registrants, interview scheduling priority is being given to those with close family or other ties to the United States or who are of special interest to the United States. Soviets with a low refugee processing priority may never be scheduled for an INS interview. With preliminary questionnaires representing about 800,000 Soviets expected to be received in fiscal year 1990 and a Soviet refugee admissions ceiling of 50,000, it is generally anticipated that only Soviets with high priority processing codes will be interviewed. Soviets with a high interview priority wait about 3 to 6 months from the time they submit preliminary questionnaires until the

INS interview date, and an additional 6 months before departing to the United States, if approved for refugee status.

New INS Procedures Appear to Improve the Process, but Some Problems Remain

The new procedures for processing in Moscow appear to be working, although not without initial problems. The Washington Processing Center, established in October 1989, has assumed most of the administrative refugee processing functions previously performed by the U.S. Embassy in Moscow. Both the Washington Processing Center and the Embassy were meeting their fiscal year 1990 processing goals as of mid-March 1990. A State Department official estimates that 15,000 to 20,000 Soviets may be approved for refugee status in Moscow during this fiscal year. Because it currently takes about 6 months to process refugees for travel, those approved after March 1990 will not depart for the United States until fiscal year 1991. However, whether processing in Moscow will meet future refugee admission goals depends upon resolving the chronic staffing shortage in Moscow, expanding and renovating the Moscow Embassy office space, and the Soviet Union's passage of more liberalized emigration legislation.

We also noted that Soviet refugee departures were being delayed because voluntary agency sponsorship assurances were not available.[1] As of February 28, 1990, about 13,000 refugees were waiting for sponsorship assurances in Rome and Moscow. Some of these had been waiting more than 4 months.

We also found that INS interviewing officers were not always sufficiently documenting the rationale for denial decisions in the applicant's case file, although this is required by INS in its "Worldwide Guidelines for Overseas Refugee Processing" and its January 24, 1990 guidance. Without such documentation, the case files are incomplete, and INS' reviewing officials cannot determine the appropriateness of the reasons for denying refugee claims. INS officials informed us this problem would be resolved.

Adequacy of Staffing

Consolidated Soviet refugee plans call for a 22-person refugee processing unit at the U.S. Embassy in Moscow. This staffing level has not been met and, as a result, some processing requirements have been delayed.

[1]Refugees must have sponsorship assurances before departing to the United States. The sponsorship assurances identify the voluntary agency or individual that has agreed to assist the refugee's resettlement in the United States.

Moreover, Embassy and INS officials are concerned that INS officers may not be able to keep abreast of the interviews scheduled in the coming months. On March 23, 1990, just prior to when the Washington Processing Center would be scheduling applicants for July, the Embassy asked the Center to reduce the number of interviews scheduled daily in July from 72 to 50 families.

Phasing Out Soviet Refugee Processing in Rome

The phaseout of Soviet refugee processing in Italy is nearing completion. By mid-March 1990, INS had essentially completed interviewing Soviet refugee applicants and was reducing its staff. Voluntary agencies reported only 120 refugee applications pending submission to INS, and that fewer than 40 Soviets had entered the Vienna/Rome processing route in February 1990. According to INS officials, all Soviets should depart from Rome by June 1990 if voluntary assurances are not delayed.

Cost Comparison of Processing in Moscow and Rome

Refugee processing in Moscow will significantly reduce program costs because Moscow processing does not involve federally funded care and maintenance expenses or voluntary agencies' administrative and processing assistance. Such expenses and services, which are incurred in Rome processing, are expected to comprise about 77 percent of the total program cost for processing Soviets in Rome this fiscal year.

Recommendations

Because the Lautenberg Amendment requires INS to state, to the maximum extent feasible, the reason for denying refugee status to category cases, and INS documentation of denial decisions has been a continuing problem, we recommend that the INS Commissioner direct INS supervisors to review denied category cases and certify that the documentation is sufficient to support the decision.

Scope and Methodology

To meet our legislated requirement, we reviewed pertinent legislation, regulations, and files on Soviet refugees and interviewed State Department, the Washington Processing Center, and INS officials. We also interviewed representatives of three voluntary agencies involved with Soviet refugees. During January 1990, we visited Moscow and Rome to observe refugee processing, interview INS adjudicating officers, observe refugee interviews, and review refugee case files.

We did not obtain agency comments on this report, but we discussed its contents with State and INS officials, and their comments have been incorporated where appropriate. Our work was performed between October 1989 and March 1990 in accordance with generally accepted government auditing standards.

More detailed information on the administration's implementation of the Lautenberg Amendment and refugee processing in Moscow and Rome is in appendix I.

We are sending copies of this report to the Secretary of State, the Immigration and Naturalization Service, and other interested parties upon request.

This report was prepared under the direction of Harold J. Johnson, Director, Foreign Economic Assistance Issues. He can be reached on (202) 275-5790 if you have any questions. Other major contributors are listed in appendix V.

Frank C. Conahan
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Abbreviations

ARTS	Automated Refugee Tracking System
HIAS	Hebrew Immigrant Aid Society
INS	Immigration and Naturalization Service
WPC	Washington Processing Center

Implementing the Lautenberg Amendment

Establishing Refugee Processing Categories

The Lautenberg Amendment directs that the administration establish at least four categories of Soviet refugee applicants who share common characteristics that identify them as targets of persecution in the Soviet Union, including categories for: Jews, Evangelical Christians, and Soviets who are current members of, and demonstrate public, active, and continuous participation (or attempted participation) in the religious activities of the Ukrainian Catholic Church or the Ukrainian Orthodox Church.

We found that INS and the Department of State have taken steps to increase INS officers' background knowledge of category applicants. Country-condition reports concerning the treatment of category members have been compiled and disseminated to INS officers, and the State Department is routinely providing pertinent information to INS offices in Rome and Moscow. INS officers have attended INS training courses on adjudicating Soviet refugee claims and on implementing the Lautenberg Amendment guidance. During our February 1990 visits to Moscow and Rome, our interviews with INS officers indicated that, overall, they were knowledgeable about conditions in the Soviet Union.

Adjudicating Category Cases

The Lautenberg Amendment states that category members may establish, for purposes of admission as a refugee, that they have a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion by asserting such a fear and asserting a credible basis for concern about the possibility of such persecution.

According to INS and State officials, the Amendment language does not establish criteria for adjudicating category cases that are substantially different from the worldwide adjudication standards. However, these officials explained that the legislative history of the Lautenberg Amendment indicated that its sponsors intended that a more generous standard be applied in adjudicating category cases. Therefore, INS adopted some of the sponsors' language pertaining to the types of assertions applicants could make to establish a credible basis for a concern about the possibility of persecution in its implementing guidance, issued January 24, 1990. According to INS officials, the burden of proof with respect to having a well-founded fear of persecution nevertheless remains with the refugee applicant.

The Lautenberg Amendment, coupled with the new adjudication guidance effectively makes it easier for category members to qualify for

refugee status, although it still does not provide presumptive refugee status. Non-category cases in Moscow continue to be adjudicated in accordance with the INS worldwide adjudication standard. In Rome, the Attorney General's September 14, 1989 guidance governs the adjudication of the few non-category cases.

An INS official stated that lowering the approval threshold makes it more difficult to adjudicate category cases because the distinctions between approvable and deniable refugee applications are lessened. This was evident during the first 3 weeks of implementation, when all of the category cases were approved in Moscow. INS supervisors in Moscow were instructed to review all category cases before the decisions are finalized to ensure accurate application of the guidance. By the end of February 1990, February's approval rate in Moscow for category members was about 90 percent. An INS official said that after INS adjudicators have become accustomed to using the new guidance supervisors will continue to review all denied category cases but will review approved cases on a sample basis only.

INS Revising Refugee Denial Letter

The Lautenberg Amendment requires that each INS decision to deny refugee status to a category applicant be in writing and state, to the maximum extent feasible, the reason for the denial. To satisfy this requirement, INS prepared a pro forma denial letter that requires INS officers to check one of the several listed reasons for denying refugee claims.

An INS official explained that the adjudicating officer's case notes must provide the support and rationale for the new denial notification letter. Our review of adjudicated case files in Moscow and Rome showed, however, that some INS officers' notes did not explain the rationale for denying the case and, thus, could not support a detailed written basis for the denial.

INS officials said that insufficient documentation continues to be a problem, although INS training emphasizes the documentation requirement, and supervisors are instructed to evaluate the adequacy of documentation when they review cases. They said that after we brought similar documentation problems to their attention in October 1989,[1] INS officers

[1]In July 1989, we sampled denied Soviet refugee claims that were adjudicated in Moscow and Rome and determined that the INS officers had provided rationale for their denial decisions in less than 50 percent of the cases. We discussed our preliminary findings with INS officials in October 1989.

and supervisors in Moscow and Rome were reminded of the requirements to document all decisions. We were told that INS officers and supervisors would be reminded again about the problem.

Reviewing Denied Refugee Claims

The amendment requires that category applicants, who were denied refugee status after August 14, 1988, and before enactment of the legislation, be permitted to reapply for such status. An INS official said that the review was extended to all category applicants denied from August 1988 until February 1, 1990. INS established a panel in Rome to review all category cases denied in Moscow and Rome. The panel reviewed 960 category applicants (210 Rome applicants and 750 Moscow applicants), in accordance with the new adjudication guidance, and granted refugee status to 620, or about 64 percent, of them.

Allocating Soviet Refugee Admissions

The amendment directs the President to allocate 1,000 of the fiscal year 1990 Soviet refugee admissions to those who are members of the Ukrainian Orthodox Christian category or the Ukrainian Catholic category. The 1,000 admissions have been allocated, but administration officials believe that only a very small percentage will be used.

Historically, few Ukrainians have applied for refugee status. Although 1,000 fiscal year 1990 Soviet refugee admissions have been allocated to Ukrainians, State officials believe that no more than 100 will enter the United States before the end of the fiscal year. Ninety-four fiscal year 1990 Ukrainian applicants were scheduled for interviews, as of March 15, 1990.

Refugee Processing in Moscow

With the decision to phase out processing Soviet refugee applicants in Rome, on October 1, 1989, the administration began implementing new procedures for processing refugee applicants at the U.S. Embassy in Moscow. These procedures included establishing the Washington Processing Center (WPC) to assist with many of the administrative functions associated with refugee processing in Moscow. Soviets register for refugee consideration by submitting preliminary questionnaires,[2] obtained from the U.S. Embassy in Moscow or other sources, to the WPC via international mail or the Embassy. The WPC reviews the preliminary

[2]Preliminary questionnaires submitted to the WPC since October 1, 1989, are considered to be registrations for interview rather than applications for refugee status. Those Soviets who filed for refugee status prior to October 1, 1989, are considered to be applicants, as are Soviets in the Vienna-Rome pipeline.

questionnaires for completeness, verifies affidavits of relationships, schedules INS interviews, notifies individuals of their interview date, and prepares travel documents for refugees and parolees. INS began interviewing the first WPC-processed cases in January 1990. (See app. II.)

WPC is scheduling about 4,000 individuals monthly for INS interview. A complete assessment of its capabilities, however, cannot be done until applicants processed by WPC begin to arrive in the United States. A WPC official estimated that, as of mid-March 1990, preliminary questionnaires representing about 362,000 Soviets had been received. WPC had 45,300 individuals in process as of that date.[3] About 80 percent of the individuals in process are category members. Because of the volume of preliminary questionnaires, 3 to 6 months may elapse between when a questionnaire is mailed to the WPC and when the WPC enters it into the automated system.

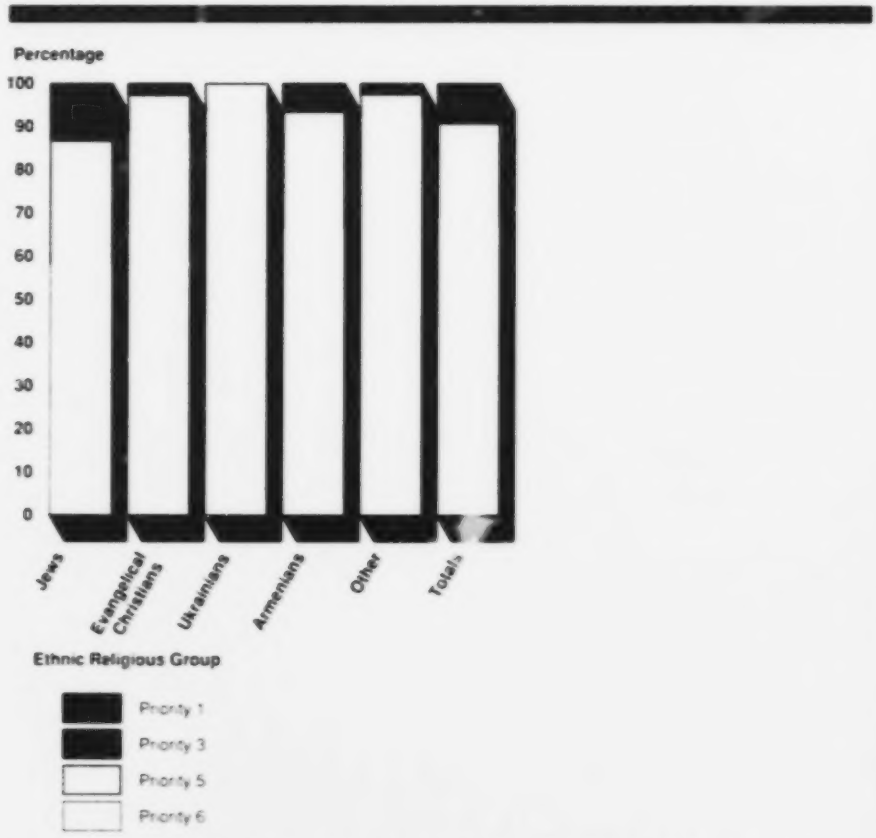
On a monthly basis, WPC tries to schedule equal numbers of fiscal year 1989 and fiscal year 1990 cases for INS interview. Because the demand for refugee consideration within these two groups far exceeds the fiscal year 1990 Soviet refugee admissions ceiling, WPC schedules Soviets for interview in accordance with INS refugee processing priority codes[4] and the date Soviets submitted their preliminary questionnaires. Those with relatives or other ties to the United States, P-1 through P-5 processing codes, are allocated 80 percent of the monthly interviews. Soviets without such ties to the United States are designated a P-6 processing code and are scheduled for 20 percent of the interviews. Within this percentage, however, interview preference is given to certain types of P-6 Soviets including Evangelical Christians, Ukrainians, and Jews with distant relatives in the United States or Jews experiencing hardships. Other P-6 Soviets, who have submitted preliminary questionnaires for refugee consideration in fiscal year 1990, may never be interviewed. (See app. III for the detailed definitions of the INS processing priority codes.)

As of mid-March 1990, for fiscal year 1990 cases in progress at WPC, about 70 percent of the individuals had the P-6 processing code. Figure I.1 compares the processing priority codes for these individuals.

[3]The number of preliminary questionnaires does not equal the number of potential Soviets seeking refugee consideration, because only individuals 21 years of age and older are required to submit preliminary questionnaires.

[4]Refugees are classified within six priorities according to their ties to the United States. This is done to ensure orderly management of refugee admissions and that the refugees of most concern to the United States have admission priority.

Figure I.1: Comparison of Fiscal Year 1990 Category and Non-Category Groups in Process for Refugee Consideration, by INS Processing Codes



Note: Refugee processing priorities P-2 and P-4 are not reflected in the bars. There were no P-2 Soviets and only three P-4 Soviets (Jews).

Statistics are based on 45,289 Soviets the WPC had in process as of March 15, 1990.

The INS at the U.S. Embassy in Moscow was meeting its fiscal year 1990 monthly interviewing goal as of mid-March 1990. In Moscow, we noted the following for fiscal year 1990:

- Since the first preliminary questionnaires were distributed in Moscow in October 1989, demand for them continued, with about 451,000 questionnaires distributed by the Embassy and the WPC as of the end of February 1990.[a]

[a]Preliminary questionnaires are also distributed by voluntary agencies in the United States, but the questionnaires distributed by the agencies are included in this number.

- WPC notifies Soviets through the international mail and, if possible, through relatives in the United States, of their INS interview date. About 91 percent of the Soviet applicants scheduled for interview in February met their interview appointment.
- The interview process has been efficient because applicants are submitting more complete and thorough paperwork than in 1989. Embassy officials attribute this improvement to better preparation instructions.
- When we were in Moscow in January 1990, each INS officer was adjudicating about 12 cases (45 applicants) daily. We observed interviews, ranging from 15 minutes to over one hour, and noted consistency in the type of questions INS officers asked.
- According to State officials, Soviet citizens approved for refugee status were told to expect a 6-month wait before they could travel to the United States due to post-interview processing requirements. Consequently, Soviets approved after March will be admitted to the United States under the fiscal year 1991 refugee admissions ceiling. The 6-month wait is attributable primarily to the time needed to obtain voluntary agency sponsorship assurances and complete post-interview processing at WPC.
- Between October 1, 1989 and February 28, 1990, INS officers in Moscow had interviewed 16,069 applicants, most of whom had applied during fiscal year 1989. A WPC official estimated that all fiscal year 1989 cases in the priority 1 through 5 groups will be interviewed by the end of July 1990 and the remaining 1989 cases by December 1990. State officials said that INS will continue interviewing refugee applicants in Moscow even after the fiscal year 1990 refugee admissions ceiling has been met. The officials said a backlog of approved refugees pending departure will develop during fiscal year 1990.

State Department officials believe that processing in Moscow has permitted the United States to better manage the flow of Soviet refugees into the United States. They said that processing in Moscow enables the United States to establish Soviet admission ceilings based on U.S. foreign policy and budgetary considerations, rather than on the number of people the Soviet Union allows to emigrate. Furthermore, they said that the new scheduling procedures permit the United States to give interviewing priority to Soviet citizens with close family or other ties to the United States. In the past, Soviets were interviewed in chronological order based on their application date, rather than by refugee processing priority codes.

State and INS officials said that the new processing procedures provide the opportunity to significantly increase the number of Soviets that can

be processed at the U.S. Embassy in Moscow. The extent to which the Embassy will be able to increase its processing goals, we believe, depends on whether the State Department and INS are able to resolve several problems we observed.

Staffing Problems

State Department and INS officials agree that the Moscow Embassy refugee processing unit has been chronically understaffed. The staffing plan calls for 22 staff (9 INS officers, including a 3-person management team and 6 interviewing officers, and 13 support staff). The Embassy reported that nearly all non-INS refugee processing staff will depart by August 1990 and that there were no scheduled replacements for the INS staff that would be departing soon. As of mid-March 1990, only 4 INS interviewing officers were in Moscow and both INS and embassy officials were concerned about whether current refugee processing levels could be sustained. Shortages of support staff have caused delays in preparing refugee travel packets, responding to applicant's inquiries, and processing parolees for travel. On March 23, 1990, the Embassy requested that the WRC reduce the interview schedule in July from 72 cases to 50 cases daily, because of the staffing shortage.

State and INS officials attribute Moscow staffing problems to several factors: (1) most INS refugee processing positions are temporary duty assignments requiring unaccompanied tours and hotel living; (2) Soviet entry visa procedures are cumbersome and prevent timely staff rotation; and (3) staff fluent in Russian are hard to find.

The Departments of State and Justice are considering an increase in the Embassy's permanent staff ceiling level to accommodate refugee processing staff; INS is recruiting Russian language staff to train as adjudicating officers; and State has contracted with a private U.S. firm to provide 16 support staff. State officials said that the staffing problem should be resolved by September 1990.

Marginal Facilities

Facilities used for refugee processing, including interviewing, at the Embassy in Moscow are marginal. According to INS officials and our observations, two of the six interview rooms are unsatisfactory because they do not provide refugee applicants sufficient privacy during their INS interview. An Embassy official agreed that INS offices are unsatisfactory, but stated that so were most Embassy offices. They said that about a $4-million renovation of existing Embassy facilities was underway.

The renovated space will provide 10 INS interview rooms, 3 management offices, and space for administrative support staff and waiting rooms.

Soviet Emigration Law Still a Problem

U.S. processing in Moscow is predicated on the assumption that Soviet citizens approved as refugees will be able to emigrate to the United States. According to Embassy and State Department officials, Soviet authorities have allowed their citizens to emigrate only at the invitation of close relatives abroad, or, in the case of Jews, to Israel. As of mid-January 1990, INS had approved about 2,100 Soviets (in the P-6 refugee processing priority) for refugee status who did not have close relatives or other ties to the United States. An Embassy official said that these refugees technically did not qualify for exit permission under existing Soviet emigration law. Although it is not known how many of these had applied for Soviet exit permission, an Embassy official said some denials had been reported. A State Department official said that a liberalized Soviet emigration law is expected to be enacted this year. However, the State official said that if the law is not enacted and obtaining exit permission proves to be a problem, refugee processing would be reassessed.

Phasing Out Rome Refugee Processing

INS expects to completely phase out the Vienna/Rome processing route by June 1990, when all the refugees in Rome depart for the United States. The number of Soviets entering Vienna for INS processing has declined from about 5,500 in December, 1989, to fewer than 40 in February, 1990. According to an INS official, INS is using both the U.S. Attorney General's guidance issued September 14, 1989, and the Lautenberg Amendment guidance to adjudicate refugee claims. Over 99 percent of the applicants interviewed in Rome during fiscal year 1990, as of February 28, 1990, had been approved for refugee status. INS processing statistics indicate that about 45,000 Soviet refugees will be processed in Rome during fiscal year 1990.

As of mid-March 1990, INS' fiscal year 1990 processing statistics for Soviet refugee applicants indicated that nearly 31,000 refugees and 40 parolees had departed for the United States, and that about 14,000 were approved for refugee status and were pending departure. At that time only 86 applicants were pending INS interviews, and an additional 120 Soviets were in Rome but had not yet submitted their refugee applications to INS.

Delays in receiving voluntary agency sponsorship assurances or medical reports have resulted in large numbers of approved Soviet refugees

remaining several months in Rome. For example, in mid-March 1990, about 59 percent of the estimated 14,000 refugees pending departure were awaiting such documentation. A State official said that due to the tremendous surge in Soviet refugees since 1988, voluntary agencies' ability to supply timely sponsorship assurances has been strained. A State official said that since the number of Soviet refugees is decreasing due to the declining Rome refugee applicant population, the timeliness of sponsorship assurances there should improve. However, according to State and INS officials, this problem, in general, may continue in Moscow into the next few years if Soviet refugee admission ceilings remain at their current or higher levels.

Cost Comparison of Refugee Processing in Moscow and Rome

Although a precise comparison of refugee processing costs between Moscow and Rome is difficult to make, our analysis of the refugee processing budgets for overseas expenditures for fiscal years 1989, 1990, and 1991, indicates that the program budget for Moscow processing in fiscal year 1991 could be less than one-half that of Rome for fiscal years 1989 and 1990. In fiscal year 1991, the first year of completely centralized Moscow processing, we estimate that the United States will spend about $1,000 per refugee admitted from Moscow for transportation to the point of resettlement in the United States, INS administrative expenses in Moscow and WPC costs. In contrast, our analysis shows that the United States may spend as much as $2,600 per refugee processed in Rome this fiscal year for care and maintenance, voluntary agency services, transportation to the point of resettlement in the United States, and INS administrative expenses in Rome. (See app. IV.)

Processing refugees in Rome is significantly more expensive, because, unlike in Moscow, the United States provides refugee applicants subsistence and administrative assistance while being processed. The United States has traditionally provided for the care and maintenance (housing and meals) of Soviet refugee applicants from their arrival in Vienna to their departure to the United States, or until INS denies their refugee claim. Additionally, the United States provides funding to voluntary agencies to assist Soviet refugee applicants through INS processing. Such assistance includes transportation from Vienna to Rome, medical examinations and help in preparing INS documentation. Care and maintenance expenses and voluntary agency services account for about 77 percent of the cost of processing refugees in Rome in fiscal year 1990.

Centralized Soviet Refugee Processing Procedures

The following procedures apply only to Soviets registering for refugee consideration after October 1, 1989.

Registering for Refugee Consideration

- Soviets seeking refugee status in fiscal year 1990 submit preliminary questionnaires to the WPC and are then considered refugee registrants. They obtain preliminary questionnaires from the U.S. Embassy in Moscow, American Consulate in Leningrad, the WPC, relatives or voluntary organizations in the United States or any other source (e.g., a duplicated copy of the form produced in the Soviet Union). Completed questionnaires are mailed to the WPC via international mail, through contacts in the United States, or through the U.S. Embassy or Consulate in the Soviet Union.

Preliminary Processing

- WPC processes preliminary questionnaires according to date received. WPC enters biographical data from each questionnaire into the Automated Refugee Tracking System (ARTS), assigns a case number, tentatively designates a refugee processing priority code, and determines whether an Affidavit of Relationship is required. Soviets citing relatives in the United States must have the relatives submit the affidavits, which are verified by INS before registrants' refugee processing tentative priority codes are finalized. For incomplete questionnaires, WPC notifies the Soviet citizen that additional information is needed before processing can continue.
- Soviets with completed preliminary questionnaires and verified Affidavits of Relationships are eligible for INS interview consideration. ARTS generates eligible registrants for INS interview according to the following objectives:

(1) 50 percent of the interviews scheduled for a given month are for Soviets who applied for refugee status in fiscal year 1989, the remaining 50 percent are for fiscal year 1990 registrants.

(2) 80 percent of all interviews scheduled for a given month are for refugee applicants with ties to the United States, such as those with P-1 through P-5 processing priority codes.

(3) 20 percent of all interviews scheduled for a given month are for refugee applicants who are of national interest, such as those with P-6 processing priority code. These refugees have been defined to include Evangelicals, those claiming membership in the Ukrainian Catholic or Orthodox Church, and Jews with distant relatives in the United States.

Also, hardship cases are included in this group (including cases where the applicant missed the October 1, 1989, cutoff date for Rome processing and has suffered hardship, cases where the family unit was split, refugees of special concern whose admission is in the public interest, and all other refugees.)

- WPC notifies the applicants of their interview dates via international mail and, if possible, also through relatives in the United States. (The refugee registrants become refugee applicants once their interviews are scheduled.) The INS refugee application forms, which the applicants must submit to INS on their interview date, are included in the interview notification package. The applicants are also encouraged to bring an Affidavit of Support to the INS interview in order to initiate expedited parole processing, if necessary.
- WPC provides the monthly interview schedule and brief bio-data on each case to the Embassy in Moscow.

U.S. Embassy and INS Processing Procedures

- Refugee applicants arrive at the U.S. Embassy in Moscow with completed refugee documents. Embassy support staff review the documents for completeness and INS officers interview the applicants. At the end of the day, applicants are told whether they qualify for refugee or parole status and what additional information will be needed before they can depart for the United States.
- Denied applicants' files are retained at the Embassy for two weeks to allow for Requests for Reconsideration. (Denied applicants are informed at the time of interview that the files will remain in Moscow for only 2 weeks. After this period, any motions to reconsider are sent to the WPC for review and adjudication, or if necessary, to schedule another interview in Moscow.)
- INS officials at the Embassy send the results of the interview and interview packages to WPC to initiate post interview processing.

WPC Post-Interview Processing

- WPC initiates security name checks on each applicant and sends biographical information to the Refugee Data Center in New York to initiate voluntary agency sponsorship assurances.
- WPC prepares travel packets[1] for refugees and parolees and sends them to the Embassy in Moscow. Refugees purchase their own tickets to the

[1]The travel packet includes: INS admission forms, medical forms for Public Health, Customs Declaration, assurance documentation, and employment-related forms for the U.S. Department of Labor.

United States and must show them when they pick up the travel packets. The Embassy in Moscow notifies WPC of refugee travel arrangements.

- The travel packet and forms prepared at the United States' port of entry are returned to the WPC for holding until the refugees apply to adjust their refugee status or other INS service is warranted. At that time, INS sends the files to the local Refugee Data Center for permanent holding.

Refugee Processing Priorities Effective October 1, 1986

Priority One (Worldwide)	Compelling Concern/Interest: Exceptional cases of refugees (a) in immediate danger of loss of life and for whom there appears to be no alternative to resettlement in the United States or (b) of compelling concern to the United States, such as former or present prisoners and dissidents.
Priority Two (Worldwide)	Former U.S. Government Employees: Refugees employed by the U.S. government for at least one year prior to the claim for refugee status, as well as individuals who were not official U.S. government employees but who for at least one year were so integrated into the U.S. government offices as to have had the effect and appearance of U.S. government employees.
Priority Three (Worldwide)	Family Reunification: Refugees who are spouses, unmarried sons, unmarried daughters, or parents of persons in the United States. (The status of the anchor relative in the United States must be one of the following: U.S. Citizen, lawful permanent resident alien, refugee, [parolee] or asylee.)
Priority Four (Africa, Eastern European/ Soviet Union, and Latin American Refugees)	Other Ties to the United States: Refugees employed by U.S. foundations, voluntary agencies, or business firms for at least one year prior to the claim for refugee status and refugees trained in the United States or abroad under U.S. auspices.
Priority Five (Worldwide)	Additional Family Reunification: Refugees who are married sons or daughters, unmarried siblings, married siblings, grandparents, or grandchildren of persons in the United States; or more distantly related individuals who are part of the family group and dependent on the family for support.
Priority Six (Worldwide)	Otherwise of National Interest: Other refugees in specified regional groups whose admission is in the national interest.

Estimated Per Capita Costs for Soviet Refugee Processing

Table IV.1: Vienna/Rome: Fiscal Year 1990 Estimated Per Capita

	Refugees processed by:	
	HIAS[a]	Other agencies
State Department		
Care and maintenance[b]	$825	$1,600
Administrative and Processing	615	327
Transportation Loan[c]	659	659
Subtotal	**$2,099**	**$2,586**
INS		
Rome administrative	**$60**	**$60**
Total	**$2,159**	**$2,646**

[a]The Hebrew Immigrant Aid Society

[b]Care and maintenance and administrative expenses differ because HIAS has agreed to provide some private support for these expenses, whereas the U.S. government fully reimburses such expenses of the other voluntary agencies.

[c]The total per capita for transportation loans includes $435 for travel to the United States and $224 for domestic travel and associated costs to point of resettlement.

Note: The U.S. Soviet refugee admissions ceiling for fiscal year 1990 is 50,000. State Department officials estimate that the United States will admit about 43,000 Soviet refugees from Rome and about 5,000 from Moscow. Some 35,000 from Rome will be fully funded, as will be the 5,000 from Moscow. Approximately 8,000 from Rome will be "privately funded" admissions for which the United States pays only care and maintenance. The remaining admissions, about 2,000, are unfunded as of March 15, 1990.

Table IV.2: Moscow: Fiscal Year 1991 Projected Per Capita

State Department	
Transportation Loan[a]	$913
Washington Processing Center	36
Subtotal	**$949**
INS	
Moscow administrative	$113
Washington Processing Center	25
Subtotal	**$138**
Total	**$1,087**

[a]The total per capita for transportation loans includes $620 for travel to the United States and $293 for domestic travel and associated costs to point of resettlement. Prior to fiscal year 1991, the United States had not provided international transport loans to Soviet refugees leaving from Moscow; however, State Department plans to begin offering such loans in fiscal year 1991.

Note: Fiscal year 1991 estimates are based on 40,000 fully funded Soviet admissions to the United States.

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